

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ANDREW JOSTEN LOVINGOOD,

Plaintiff,

v.

No. 3:19-cv-00009

BILL JOHNSON, DERRICK GRAVES;

Defendants.

MEMORANDUM IN SUPPORT OF MOTION IN LIMINE NO. 5

This case was originally filed by attorney John Eldridge April 9, 2015. Judge Poplin was then the Clerk of Court. Attorney Eldridge voluntarily dismissed the case without prejudice.

In the interim, Mr. Lovingood sought to impose criminal liability upon this Defendant and the same was rejected by a jury in the Circuit Court for Monroe County, Tennessee and this Defendant was acquitted of all charges.

Nevertheless, Plaintiff refiled a federal district court civil action January 5, 2019.

The Scheduling Order entered May 26, 2020 [Doc. 22] required Plaintiff to submit expert disclosures on or before August 3, 2020, some six years after the alleged incident. He never has.

Federal Rule of Civil Procedure 26 is specific. Plaintiff cannot submit any form of evidence at trial which requires or must be supported by expert testimony.(emphasis added)

It is respectfully submitted that Plaintiff be precluded from presenting any evidence falling within the realm of expert proof no matter the subject including the subjects previously mentioned but also including any testimony challenging the use of force by this Defendant by any third-party witness purporting to have certain law enforcement knowledge.

RESPECTFULLY SUBMITTED this 15th day of November, 2021.

s/ Arthur F. Knight, III
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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Arthur F. Knight, III
Arthur F. Knight, III